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1 JEFFREY M. VETTER
2 CHAPTER 7 TRUSTEE
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IN THE UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF CALIFORNIA

In re:

OLGA PINTOR

Debtor(s).

Case No: 11-11265-A-7

Chapter 7

DC No. JMV-1

**MOTION FOR ORDER
DIRECTING DEBTOR TO
SURRENDER PROPERTY OF
THE ESTATE TO TRUSTEE;
MEMORANDUM OF POINTS
AND AUTHORITIES**

Date: August 30, 2011

Time: 1:30 pm

Place: U.S. Bankruptcy Court
1300 18th Street, Suite A
Bakersfield, California

Judge: Whitney Rimel

Jeffrey M. Vetter, Chapter 7 Trustee ("Trustee") in the above-referenced case, respectfully moves the Court for an order directing debtor, Olga Pintor ("Debtor") to surrender and turn over to Trustee: (1) 2001 Mitsubishi Montero (2) 2010 Federal and State Tax Refunds. Debtor has continuously refused to turn over said items to the Trustee despite repeated demands. Said vehicle and tax returns are property of the estate as they cannot be exempted.

This motion is based upon the notice of motion, the Trustee's declaration, and the following grounds:

1 1. This case was commenced by the Debtor under Chapter 7 as case number
2 11-11256-A on February 2, 2011. Trustee was duly appointed on February 3, 2011 and has been
3 and is now acting as Trustee.

4 2. Debtor testified at the meeting of creditors on March 25, 2011 at 4:30 am that she
5 was the registered owner of a 2001 Mitsubishi Montero and indicated that the vehicle was
6 unencumbered.

7 3. Formal demand was made at the meeting of creditors on March 25, 2011 was
8 made to the Debtor, Olga Pintor, to turnover the 2001 Mitsubishi Montero and Tax Refund.
9 Below is a documented series of demands in date order (see Exhibit A)

- 10 • March 25, 2011: Demand made at 341 for turnover of Federal and
11 State Tax Refund.
- 12 • March 26, 2011: Mailed first demand for Federal and State Tax
13 Refund turnover.
- 14 • April 5, 2011: Mailed second demand for Federal and State Tax
15 Refund turnover. Copy of letter emailed to debtor attorney Mr.
16 Revelo.
- 17 • April 27, 201: Received no call from debtor.
- 18 • April 27, 2011: Mailed third demand letter overnight for turnover of
19 Federal and State Tax Refund and 2001 Mitsubishi Montero. Also
20 demanded bank statements and copy of returns.
- 21 • April 27, 2011: Went to Community Trust Bank. Gave a formal
22 demand to freeze account. The same letter was also mailed to
23 debtor. Sent overnight mail delivery confirmation to debtor demand
24 for turnover by April 29, 2011 at 5pm/
- 25 • May 26, 2011: Mailed fourth demand letter for turnover of Federal
26 and State Tax Refund. Turnover of 2001 Mitsubishi Montero.

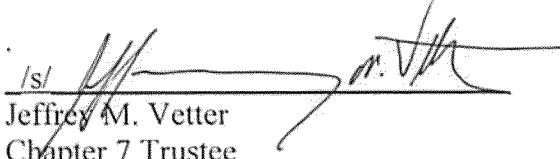
1 Copies of bank statements for December 2010, January and February
2 2011.

3 4. Notice of file Proof of Claim filed March 30, 2011.

4 5. To date the Trustee has received no communication from the Debtor.

5 I declare under penalty of perjury under the laws of the United States that the foregoing is
6 true and correct.

7 Executed this 29th day of June, 2011 at Bakersfield, California.

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9
10 /s/ 
11 Jeffrey M. Vetter
Chapter 7 Trustee

12 E-Filed by: Jeffery M. Vetter
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